

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

AKEEM GUMBS,	:	CIV. NO. 20-7944 (RMB)
	:	
Petitioner	:	
	:	
v.	:	OPINION
	:	
WARDEN DAVID ORTIZ,	:	
	:	
Respondent	:	

Petitioner Akeem Gumbs, a prisoner confined in the Federal Correctional Institution in Fort Dix, New Jersey, filed a petition for writ of habeas corpus under 28 U.S.C. § 2241, seeking dismissal of what appears to be an inactive case in the District Court of the Virgin Islands, Action No. 3:11-MJ-00031. (Pet., Dkt. No. 1.) The Court has received Petitioner's filing fee and will reopen this matter. In the meantime, Petitioner filed (1) a notice withdrawing his § 2241 petition (Dkt. No. 6); (2) an amended § 2241 petition (Dkt. No. 9); (3) a motion to compel (Dkt. No. 7); (4) a notice to withdraw motion to compel (Dkt. No. 10); and (5) a motion for discovery (Dkt. No. 11.)

This matter is now before the Court for screening the amended petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts ("Habeas Rules"), which provides that the Court shall dismiss the petition if it "plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief" Rule 4 is applicable to

petitions brought under 28 U.S.C. § 2241, pursuant to Rule 1, scope of the rules.

I. THE AMENDED PETITION

In his amended habeas petition (Dkt. No. 9), Petitioner explains the relief he seeks:

Dismiss the complaint of the criminal prosecution of the initial appearance of the March 21, 2011 of case 3:11-MJ-00031 which is the only charging document which is based on a dvd and evidence from that dvd.

Petitioner states his grounds for relief as follows:

18 U.S.C. 3162(a)(1), 6th Amendment rights to a speedy trial and to be informed of the nature and cause of the accusation, federal criminal rules 3 and 18 and 5th Amendment right to due process for a court to exercise personal jurisdiction over me.

(Id.)

II. DISCUSSION

Although a federal court may, in extraordinary circumstances, exercise pretrial habeas jurisdiction in a state court criminal proceeding, this pretrial habeas jurisdiction does not extend to cases in other federal district courts. Petitioner must bring any pretrial criminal motions in the district court where the criminal proceedings are occurring.

The Court takes judicial notice of the related dockets in USA v. Gumbs, 3:11-MJ-00031 (D.V.I.) and USA v. Gumbs, 3:11-cr-00021-RAM-RM (D.V.I.). It appears that Petitioner's prosecution has concluded and he has exhausted his appeals. The Court further notes

that Petitioner has a pending motion (Dkt. No. 362) in Criminal Action No. 3:11-cr-00021-RAM-RM (D.V.I.), which is a duplicate of the amended petition here. Therefore, it is not in the interest of justice to transfer this matter, pursuant to 28 U.S.C. § 1631, to the District Court of the Virgin Islands.

III. CONCLUSION

For the reasons discussed above, the Court will dismiss the petition and pending motions because it does not plainly appear from the amended petition that Petitioner is entitled to relief from this Court.

s/Renée Marie Bumb
RENÉE MARIE BUMB
United States District Judge